

Message Text

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20

ACTION ORM-03

INFO OCT-01 EUR-25 EA-11 IO-14 ISO-00 SR-02 SS-20 L-03

PRS-01 SCA-01 VO-03 NSC-07 CIAE-00 INR-10 NSAE-00

RSC-01 DODE-00 FBIE-00 SY-04 INSE-00 SSO-00 INRE-00

H-03 PA-04 USIE-00 /113 W

----- 116310

O 190733Z APR 74

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC IMMEDIATE 3862

INFO USMISSION GENEVA IMMEDIATE

AMEMBASSY WARSAW IMMEDIATE

C O N F I D E N T I A L SAIGON 5091

E.O. 11652: GDS

TAGS: PINS MARR VS PL

SUBJECT: REQUEST FOR PROTECTION

REF: STATE 079567

1. DEPARTMENT IS CORRECT IN ASSUMING GVN HAS FULLY ASSUMED RESPONSIBILITY FOR HOLUB AND WILL SATISFACTORILY PROTECT HIS RIGHTS.

IT IS NOT YET COMPLETELY CLEAR WHETHER HOLUB WILL IN THE END REQUEST ASYLUM. WE ARE QUITE CERTAIN THE VNG WILL NOT RETURN HIM

INVOLUNTARILY TO THE POLES. IN CASE HE DOES NOT WISH TO RETURN VOLUNTARILY WHICH WE THINK STILL POSSIBLE WE WOULD EXPECT GVN WOULD ASK THE U.S. IN THE FIRST INSTANCE AND UNHCR TO ASSIST IN SETTLING HOLUB IN ANOTHER COUNTRY. WE HAVE ALREADY INDICATED TO THE GVN THAT IN SUCH CASE THE UNITED STATES WOULD COOPERATE TO THE FULLEST EXTENT POSSIBLE.

2. WE ARE A LITTLE BIT PUZZLED BY THE SENTENCE IN REFTEL "WE NOTE THE EMBASSY DID NOT REPORT HOLUB ASYLUM REQUEST TO DEPARTMENT BEFORE TURNING HIM OVER TO GVN AS PROVIDED STATE 42635 (MARCH 7, CONFIDENTIAL

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1973)". EMBASSY ACTION WAS BASED UPON PROVISIONS OF DEPART-

MENT'S A-270 OF JANUARY 11 1972 AND PARTICULARLY ON SECTION 5 B OF THE ATTACHMENT THERETO WHICH STATES THAT REQUESTS OF THIRD COUNTRY NATIONALS FOR ASYLUM MADE TO DIPLOMATIC AND CONSULAR OFFICERS NEED NOT BE REPORTED IMMEDIATELY TO THE DEPARTMENT OF STATE WHEN ALL OF CERTAIN CONDITIONS EXISTED. EMBASSY HAD DETERMINED THAT THESE CONDITIONS DID IN FACT EXIST. IN WAS UNCERTAIN WHETHER IN VIEW OF HIS DISTURBED CONDITION THAT HE WAS IN REALITY REQUESTING ASYLUM. THEREFORE TAKING INTO ACCOUNT THE SENSITIVE SITUATION THAT MIGHT ARISE FROM THE ACCUSATION BY THE COMMUNIST MEMBERS OF THE ICCS THAT WE WERE HOLDING AN INDIVIDUAL AGAINST HIS WILL WE ACQUIESCED IN THE INDIVIDUAL'S OWN CONCURRENCE THAT HE BE REMOVED FROM EMBASSY PREMISES TO THE CUSTODY OF THE GVN. ALSO IN OUR MINDS WAS THE NECESSITY OF NOT PROLONGING A SITUATION WHICH WOULD PERMIT HANOI TO RESUME ITS CHARGES OF AMERICAN PRO-CONSULAR SOVEREIGNTY OVER THE PUPPET REGIME IN SAIGON.

3. WE ARE KEEPING IN CLOSE TOUCH WITH THE GVN AND IN DUE COURSE WILL IMMEDIATELY REPORT ANY FURTHER DEVELOPMENTS TO THE DEPARTMENT.

4. THERE IS UTTERLY NO TRUTH IN PRESS REPORT REPORTED BY CONGRESSMAN GOLDWATER THAT EMBASSY HAS REPORTEDLY AGREED TO COOPERATE WITH GVN IN RETURNING HOLUB TO ICCS CUSTODY. HOWEVER IT IS QUITE POSSIBLE THAT HOLUB WILL VOLUNTARILY ELECT TO SO RETURN AND WE SHOULD ANTICIPATE AND BE ALERT TO DENY IN SUCH CASE ANY ELEMENT OF COERCION, OR OF COLLUSION BETWEEN THE U.S. AND THE GVN HAS EXISTED.

5. THE AMBASSADOR WAS PERSONALLY INVOLVED IN EVERY ASPECT OF THE DECISION MAKING RESPONSIBILITIES IN THE HANDLING OF THIS CASE AND ASSUMES COMPLETE RESPONSIBILITY THEREFOR.
MARTIN

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